

## **Remarks**

### **I. Introduction**

This Amendment is in response to the non-final Office Action dated June 23, 2010.

The Office Action stated that newly submitted claims 29-34 are directed to an invention that is independent or distinct from the invention originally claimed, and appears to have indicated that claims 29-34 were withdrawn from consideration as being directed to a non-elected invention.

The Office Action rejected claims 1-21, 26, and 28 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,206,572 ("Farag") in view of U.S. Patent No. 5,687,081 ("Wellman").

Claims 29-34 have been cancelled. Claims 3-5, 8, 12-15, 18, 22-25, and 27 were cancelled previously. Claims 1-2, 6-7, 9-11, 16-17, 19-21, 26, and 28 are pending.

### **II. Claims 29-34**

The Office Action stated that newly submitted claims 29-34 are directed to an invention that is independent or distinct from the invention originally claimed. The Office Action further stated that the invention has been constructively elected by original presentation for prosecution on the merits. The Office Action appears to have indicated that claims 29-34 were withdrawn from consideration as being directed to a non-elected invention.

Claims 29-34 have been withdrawn. Applicants reserve the right to present claims 29-34 in a continuation or divisional application.

### III. Claims Rejections Under § 103

The Office Action rejected claims 1-21, 26, and 28 under 35 U.S.C. 103(a) as being unpatentable over Farag in view of Wellman. The rejection is respectfully traversed.

In order to “establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art.” In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. None of the cited references, either alone or in combination, teaches all of the claim limitations of amended independent claims 1, 11, and 21. Therefore, withdrawal of the rejections under 35 U.S.C. §103(a) is requested.

The present invention is directed to methods and systems for configuring a motor controller with an external device. Communication is established between a processor in a motor controller and an external device which contains a memory for storing parameters relating to the operation of the motor controller. (Specification, page 8, line 18 to page 9, line 17). A configuration database file comprising parameters relating to the operation of the motor controller is uploaded from the motor controller memory to the external device memory. (Page 10, lines 7-17). The uploaded configuration database file is subsequently downloaded from the external device memory to the controller memory.

The capability to upload a file from a motor controller’s memory to an external device and subsequently download the same file back to the motor controller’s memory

can be advantageous in a variety of different circumstances. For example, this feature may be useful in connection with servicing the motor controller, as discussed at page 10, line 8-17 of the specification.

Independent claim 1 defines a method of configuring a motor controller with an external device. Claim 1 requires, in part, “establishing communications between the programmed processor and the external device.” Claim 1 further requires “uploading a configuration database file from the controller memory to the external device memory, the configuration database file comprising a plurality of the stored parameters relating to operation of the solid state switches” and “subsequently downloading the uploaded configuration database file from the external device memory to the controller memory.”

Farang discloses a motor controller that may be customized for a particular application by use of stored program steps. (Col. 3, lines 42-47). Each set of program steps is used to configure a starter to match a particular application. (Col. 3, lines 48-52). A configuration can be changed by loading into memory the appropriate set of program steps and changing input and output labels to match the new application. (Col. 3, lines 51-55).

The Office Action admits, at page 3, that Farang does not teach or suggest “uploading a configuration database file from the controller memory to the external device memory, the configuration database file comprising a plurality of the stored parameters relating to operation of the solid state switches” and “subsequently downloading the uploaded configuration database file from the external device memory to the controller memory,” as required by claim 1. The Office Action relies on Wellman as disclosing these limitations. Applicants respectfully disagree.

Wellman discloses a lift truck control system that includes control modules which are software configurable and can receive software from a removable, programmable cartridge. (Wellman, col. 2, lines 1-7). The cartridge functions alternatively in a host mode or in a pass-through mode. A microcontroller in the control system can reconfigure the cartridge from host mode to pass-through mode, and vice-versa. (Col. 11, lines 19-34). Application software residing in the control system can be modified by downloading the modifications from the cartridge to a memory in the control system. (Col. 11, lines 48-62). A flex boot program can be modified in the same manner. (Col. 12, lines 1-15).

Wellman does not teach or suggest “uploading a configuration database file from the controller memory to the external device memory, the configuration database file comprising a plurality of the stored parameters relating to operation of the solid state switches” and “subsequently downloading” the same “configuration database file” to the controller memory, as required by claim 1. While Wellman discloses downloading modified application software, and a flex boot program, from the cartridge to the control system, Wellman never uploads (or otherwise transmits in any fashion) the same modified software, or program, from the control system to the cartridge. Nowhere else does Wellman teach or suggest “uploading” and then “downloading” the same “configuration database file,” as claimed.

The Office Action cited column 11, lines 27-35 of Wellman, which discloses bi-directional communication between the control system and the cartridge, as showing “downloading” the claimed “configuration database file.” However, mere disclosure of a bi-directional communication capability, without more, does not teach or suggest downloading the same “configuration database file” that was previously uploaded.

Therefore, claim 1 and its dependent claims are patentable over the cited art.

Independent claims 11 and 21 contain limitations similar to certain limitations of claim 1. Therefore, amended claims 11 and 21, and their respective dependent claims, are also patentable over the cited art for the reasons presented above.

#### **IV. Conclusion**

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

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